

EXHIBIT A

TEKER TORRES & TEKER, P.C.

130 Asinall Avenue, Suite 2A

Hagatna, Guam 96910

671-477-9891 Telephone

671-472-2601 Facsimile

UNPINGCO & ASSOCIATES, LLC

Sinajana Mall, Suite 12B

Sinajana, Guam

671-475-8545 Telephone

671-475-8550 Facsimile

SHORE CHAN BRAGALONE LLP

325 North Saint Paul Street, Suite 4450

Dallas, Texas 75201

214-593-9110 Telephone

214-593-9111 Facsimile

ATTORNEYS FOR PLAINTIFFS

Nanya Technology Corp. and

Nanya Technology Corp. U.S.A.

UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

NANYA TECHNOLOGY CORP. and
NANYA TECHNOLOGY CORP. U.S.A.,

Plaintiffs,

v.

FUJITSU LIMITED and FUJITSU
MICROELECTRONICS AMERICA, INC.,

Defendants.

Case No. CV-06-00025

**PLAINTIFFS' OBJECTIONS AND
RESPONSES TO FUJITSU
MICROELECTRONICS AMERICA,
INC.'S FIRST SET OF
INTERROGATORIES (NOS. 1-6)**

Pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court, Plaintiffs Nanya Technology Corp. and Nanya Technology Corp. U.S.A. hereby serve the following Objections and Responses to Fujitsu Microelectronics America, Inc.'s First Set of Interrogatories (Nos. 1-6). Plaintiffs hereby reserve the right to unilaterally and unconditionally revise, supplement, and otherwise change any and/or all objections and responses to these interrogatories.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. Plaintiffs object to the definitions incorporated by reference to Fujitsu Microelectronics America, Inc.'s First Set of Requests for Production, by incorporating by reference Plaintiffs' objections to such definitions set forth in Plaintiffs' Objections and Responses to Fujitsu Microelectronics America, Inc.'s First Set of Requests for Production.

2. Plaintiffs object to Footnote No. 1 and Defendants' attempted disclaimer that they are not substantively participating in the present lawsuit in Guam.

3. Plaintiffs object to Instruction No. 3 to the extent it recites privilege log requirements in excess of the requirements called for by this Court, Ninth Circuit precedent, and the Federal Rules of Civil Procedure.

4. Plaintiffs object to Instruction No. 10 to the extent it recites requirements in excess of Federal Rule of Civil Procedure 33(d).

OBJECTIONS AND RESPONSES TO INTERROGATORIES

Subject to the foregoing objections, Plaintiffs further object and respond as follows:

INTERROGATORY NO. 1

Separately for each alleged basis of jurisdiction over FMA under Section 12 of the Clayton Act (a) state each such basis of jurisdiction; (b) state each fact supporting each basis; and (c) for each fact, identify all evidence supporting that fact.

OBJECTIONS AND RESPONSE:

Plaintiffs object to Interrogatory No. 1 as premature. Neither Defendant has served pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation whatsoever to respond.

Plaintiffs object to Interrogatory No. 1 because it seeks information regarding the pre-suit investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by Plaintiffs' counsel, and Plaintiffs' Response in Opposition to Fujitsu Microelectronics America, Inc.'s Motion to Dismiss or Transfer to the Northern District of California and for a More Definite Statement

1 ("Plaintiffs' Response"), which is still being prepared by Plaintiffs' counsel and has not yet been filed.
2 Such information is protected by the work product privilege and doctrine.

3 Plaintiffs object to Interrogatory No. 1 as premature because it seeks information that is the
4 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due
5 until May 15, 2007.

6 Plaintiffs object to Interrogatory No. 1 because it calls for the product of jurisdictional
7 discovery that Defendant Fujitsu Microelectronics America, Inc. ("FMA") and Defendant Fujitsu Ltd.
8 have not yet yielded.

9 Plaintiffs object to Interrogatory No. 1 to the extent it recites at least three discrete subparts (a),
10 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 1-3) according
11 to Federal Rule of Civil Procedure 33(a).

12 Subject to the foregoing objections, Plaintiffs will provide information responsive to
13 Interrogatory No. 1 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
14 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
15 seasonably after Defendants yield all requested jurisdictional discovery.

16 **INTERROGATORY NO. 2**

17 Separately for each alleged basis of jurisdiction over Fujitsu under Section 12 of the Clayton
18 Act (a) state each such basis of jurisdiction; (b) state each fact supporting each basis; and (c) for each
19 fact, identify all evidence supporting that fact.

20 **OBJECTIONS AND RESPONSE:**

21 Plaintiffs object to Interrogatory No. 2 as premature. Neither Defendant has served pre-
22 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
23 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation
24 whatsoever to respond.

25 Plaintiffs object to Interrogatory No. 2 because it seeks information regarding the pre-suit
26 investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
27 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
28

1 not yet been filed. Such information is protected by the work product privilege and doctrine.

2 Plaintiffs object to Interrogatory No. 2 as premature because it seeks information that is the
3 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due
4 until May 15, 2007.

5 Plaintiffs object to Interrogatory No. 2 because it calls for the product of jurisdictional
6 discovery that Defendants have not yet yielded.

7 Plaintiffs object to Interrogatory No. 2 to the extent it recites at least three discrete subparts (a),
8 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 4-6) according
9 to Federal Rule of Civil Procedure 33(a).

10 Subject to the foregoing objections, Plaintiffs will provide information responsive to
11 Interrogatory No. 2 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
12 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
13 seasonably after Defendants yield all requested jurisdictional discovery.

14 **INTERROGATORY NO. 3**

15 Separately for each alleged basis of jurisdiction over FMA not under Section 12 of the Clayton
16 Act (a) state each such basis of jurisdiction; (b) state each fact supporting each basis; and (c) for each
17 fact, identify all evidence supporting that fact.

18 **OBJECTIONS AND RESPONSE:**

19 Plaintiffs object to Interrogatory No. 3 as premature. Neither Defendant has served pre-
20 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
21 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation
22 whatsoever to respond.

23 Plaintiffs object to Interrogatory No. 3 because it seeks information regarding the pre-suit
24 investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
25 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
26 not yet been filed. Such information is protected by the work product privilege and doctrine.

27 Plaintiffs object to Interrogatory No. 3 as premature because it seeks information that is the
28

1 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due
2 until May 15, 2007.

3 Plaintiffs object to Interrogatory No. 3 because it calls for the product of jurisdictional
4 discovery that Defendant have not yet yielded.

5 Plaintiffs object to Interrogatory No. 3 to the extent it recites at least three discrete subparts (a),
6 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 7-9) according
7 to Federal Rule of Civil Procedure 33(a).

8 Subject to the foregoing objections, Plaintiffs will provide information responsive to
9 Interrogatory No. 3 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
10 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
11 seasonably after Defendants yield all requested jurisdictional discovery

12 **INTERROGATORY NO. 4**

13 Separately for each alleged basis of jurisdiction over Fujitsu not under Section 12 of the
14 Clayton Act (a) state each such basis of jurisdiction; (b) state each fact supporting each basis; and (c)
15 for each fact, identify all evidence supporting that fact.

16 **OBJECTIONS AND RESPONSE:**

17 Plaintiffs object to Interrogatory No. 4 as premature. Neither Defendant has served pre-
18 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
19 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation
20 whatsoever to respond.

21 Plaintiffs object to Interrogatory No. 4 because it seeks information regarding the pre-suit
22 investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
23 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
24 not yet been filed. Such information is protected by the work product privilege and doctrine.

25 Plaintiffs object to Interrogatory No. 4 as premature because it seeks information that is the
26 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due
27 until May 15, 2007.

1 Plaintiffs object to Interrogatory No. 4 because it calls for the product of jurisdictional
2 discovery that Defendants have not yet yielded.

3 Plaintiffs object to Interrogatory No. 4 to the extent it recites at least three discrete subparts (a),
4 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 10-12)
5 according to Federal Rule of Civil Procedure 33(a).

6 Subject to the foregoing objections, Plaintiffs will provide information responsive to
7 Interrogatory No. 4 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
8 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
9 seasonably after Defendants yield all requested jurisdictional discovery

10 **INTERROGATORY NO. 5**

11 Separately for each product that you assert to be a contact with Guam out of which your claim
12 for infringement arises against Fujitsu under a stream of commerce theory of specific jurisdiction, and
13 for each product identified in your Second Sets of Jurisdictional requests for Production to Defendants
14 Fujitsu and FMA, dated February 9, 2007: (a) state each basis for alleging infringement against
15 Fujitsu; (b) state each fact supporting each basis; and (c) for each fact, identify all evidence supporting
16 that fact.

17 **OBJECTIONS AND RESPONSE:**

18 Plaintiffs object to Interrogatory No. 5 as premature. Neither Defendant has served pre-
19 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
20 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation
21 whatsoever to respond.

22 Plaintiffs object to Interrogatory No. 5 because it seeks information regarding the pre-suit
23 investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
24 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
25 not yet been filed. Such information is protected by the work product privilege and doctrine.

26 Plaintiffs object to Interrogatory No. 5 as premature because it seeks information that is the
27 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due
28

1 until May 15, 2007.

2 Plaintiffs object to Interrogatory No. 5 because it calls for the product of jurisdictional
3 discovery that Defendants have not yet yielded.

4 Plaintiffs object to Interrogatory No. 5 to the extent it recites at least three discrete subparts (a),
5 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 13-15)
6 according to Federal Rule of Civil Procedure 33(a).

7 Subject to the foregoing objections, Plaintiffs will provide information responsive to
8 Interrogatory No. 5 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
9 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
10 seasonably after Defendants yield all requested jurisdictional discovery

11 **INTERROGATORY NO. 6**

12 Separately for each product that you assert to be a contact with Guam out of which your claim
13 for infringement arises against FMA under a stream of commerce theory of specific jurisdiction, and
14 for each product identified in your Second Sets of Jurisdictional requests for Production to Defendants
15 Fujitsu and FMA, dated February 9, 2007: (a) state each basis for alleging infringement against FMA;
16 (b) state each fact supporting each basis; and (c) for each fact, identify all evidence supporting that
17 fact.

18 **OBJECTIONS AND RESPONSE:**

19 Plaintiffs object to Interrogatory No. 6 as premature. Neither Defendant has served pre-
20 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
21 26(a). Because no pre-discovery disclosures have been made, Plaintiffs are under no obligation
22 whatsoever to respond.

23 Plaintiffs object to Interrogatory No. 6 because it seeks information regarding the pre-suit
24 investigation conducted by Plaintiffs' counsel, the continuing investigation being conducted by
25 Plaintiffs' counsel, and Plaintiffs' Response, which is still being prepared by Plaintiffs' counsel and has
26 not yet been filed. Such information is protected by the work product privilege and doctrine.

27 Plaintiffs object to Interrogatory No. 6 as premature because it seeks information that is the
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1 subject of Plaintiffs' Response, which according to the Court's February 26, 2007 Order, is not due
2 until May 15, 2007.

3 Plaintiffs object to Interrogatory No. 6 because it calls for the product of jurisdictional
4 discovery that Defendants have not yet yielded.

5 Plaintiffs object to Interrogatory No. 6 to the extent it recites at least three discrete subparts (a),
6 (b), and (c), and thus counts as three separate interrogatories (*i.e.*, Interrogatories Nos. 16-18)
7 according to Federal Rule of Civil Procedure 33(a).

8 Subject to the foregoing objections, Plaintiffs will provide information responsive to
9 Interrogatory No. 6 after Defendants serve their Local Rule 26.2 pre-discovery disclosures or on May
10 15, 2007 (concurrent with the filing of Plaintiffs' Response), and will supplement this response
11 seasonably after Defendants yield all requested jurisdictional discovery.

12 **VERIFICATION**

13 Plaintiffs will provide a verification after Defendants make their pre-discovery disclosures and
14 after Plaintiffs supplement their responses in view of Defendants yielding all jurisdictional discovery.

15
16 Dated: April 23, 2007

SHORE CHAN BRAGALONE LLP

17
18 By /s/ Alfonso Garcia Chan

ALFONSO GARCIA CHAN

19 TEKER TORRES & TEKER, P.C.

20 UNPINGO & ASSOCIATES, LLC

21 ATTORNEYS FOR PLAINTIFFS
22 NANYA TECHNOLOGY CORP., and
23 NANYA TECHNOLOGY CORP, U.S.A.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following counsel of record via electronic mail and confirmatory first class mail on April 23, 2007:

Rodney J. Jacob
Daniel M. Benjamin
Calvo & Clark, LLP
655 South Marine Corps Dr., Suite 202
Tamuning, Guam 96913

Michael M. Murray
Milbank Tweed Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, New York 10005-1413

/s/ Alfonso Garcia Chan
ALFONSO GARCIA CHAN

ATTORNEYS FOR PLAINTIFFS
Nanya Technology Corp. and
Nanya Technology Corp. U.S.A.

JOSEPH C. RAZZANO, ESQ.
TEKER TORRES & TEKER, P.C.
SUITE 2A, 130 ASPINALL AVENUE
HAGÂTÑA, GUAM 96910
TELEPHONE: (671) 477-9891/4
FACSIMILE: (671) 472-2601

JOHN S. UNPINGCO, ESQ.
UNPINGCO & ASSOCIATES, LLC
SUITE 12B, SINAJANA MALL
SINAJANA, GUAM
TELEPHONE: (671) 475-8545
FACSIMILE: (671) 475-8550

MICHAEL W. SHORE
ALFONSO GARCIA CHAN
MARTIN PASCUAL
SHORE CHAN BRAGALONE, LLP
325 NORTH SAINT PAUL STREET, SUITE 4450
DALLAS, TEXAS 75201
TELEPHONE: (214) 593-9110
FACSIMILE: (214) 593-9111

Attorneys for Plaintiffs
Nanya Technology Corp. and
Nanya Technology Corp. U.S.A.

UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

NANYA TECHNOLOGY CORP. and
NANYA TECHNOLOGY CORP. U.S.A.,

Plaintiffs,

v.

FUJITSU LIMITED and FUJITSU
MICROELECTRONICS AMERICA, INC.,

Defendants.

Case No. CV-06-00025

**PLAINTIFF NANYA TECHNOLOGY
CORPORATION'S OBJECTIONS AND
RESPONSES TO FUJITSU
MICROELECTRONICS AMERICA,
INC.'S FIRST SET OF REQUESTS FOR
ADMISSIONS (NOS. 1-34)**

1 Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this Court,
2 Plaintiff Nanya Technology Corp. ("NTC ") hereby serves the following Responses and Objections to
3 admissions upon Defendant Fujitsu Microelectronics America, Inc. ("FMA"). NTC hereby reserves
4 the right to supplement all responses to these admissions in accordance with Federal Rules of Civil
5 Procedure 26(e).
6

7 **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

8 1. NTC objects to the definitions of "Nanya," "you" and "your" to the extent that they
9 encompass "all predecessor or successor companies or corporations" that are not currently part of
10 NTC, to the extent they encompass "present ... investigators, accountants, consultants, attorneys, other
11 representatives, or any other persons acting or purporting to act on behalf of any of them" who are not
12 part of NTC, to the extent they encompass "consultants" otherwise protected by the consulting expert
13 privilege, to the extent they encompass "attorneys" otherwise protected by the attorney client and/or
14 work product privileges, and to the extent they encompass "former offices, directors, employees,
15 agents, investigators, accountants, consultants, attorneys, other representatives, or any other persons
16 acting or purporting to act on behalf of any of them" that are not currently part of NTC.
17

18 2. NTC objects to the definition of "document" to the extent it purports to cover subject
19 matter in excess of Federal Rule of Civil Procedure 34.
20

21 3. NTC objects to the definition of "electronically stored information" to the extent it
22 purports to cover subject matter in excess of Federal Rule of Civil Procedure 34.

23 4. NTC objects to the definition of "identify" to the extent it calls for a response in excess
24 of the minimum requirements of Federal Rule of Civil Procedure 36.

25 5. NTC objects to the Instructions generally to the extent they call for a response in excess
26 of the minimum requirements of Federal Rule of Civil Procedure 36.

27 6. NTC objects to Instruction No. 7 to the extent it recites privilege log requirements in
28

1 excess of the requirements called for by this Court, Ninth Circuit precedent, and the Federal Rules of
2 Civil Procedure.

3 7. NTC objects to Footnote No. 1 and Defendants' attempted disclaimer that they are not
4 substantively participating in the present lawsuit in Guam.

5
6 **RESPONSES AND OBJECTIONS TO FMA'S ADMISSIONS**

7 Subject to the foregoing objections, NTC further objects and responds as follows:

8 **REQUEST FOR ADMISSION NO. 1:**

9 Admit that Nanya does not maintain any offices in Guam.

10 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 1:**

11 NTC objects to Request for Admission No. 1 as premature. FMA has not served pre-discovery
12 disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a).
13 Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to
14 respond. NTC further objects to Request for Admission No. 1 as seeking irrelevant to any claim or
15 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
16 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
17 for by Request for Admission No. 1 seasonably after FMA serves its Local Rule 26.2 pre-discovery
18 disclosures.
19

20
21 **REQUEST FOR ADMISSION NO. 2:**

22 Admit that Nanya does not maintain any operations in Guam.

23 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 2:**

24 NTC objects to Request for Admission No. 2 as premature. FMA has not served pre-discovery
25 disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a).
26 Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to
27 respond. NTC further objects to Request for Admission No. 2 as seeking irrelevant to any claim or
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1 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
2 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
3 for by Request for Admission No. 2 seasonably after FMA serves its Local Rule 26.2 pre-discovery
4 disclosures.

5
6 **REQUEST FOR ADMISSION NO. 3:**

7 Admit that Nanya does not have any employees in Guam.

8 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 3:**

9 NTC objects to Request for Admission No. 3 as premature. FMA has not served pre-discovery
10 disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a).
11 Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to
12 respond. NTC further objects to Request for Admission No. 3 as seeking irrelevant to any claim or
13 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
14 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
15 for by Request for Admission No. 3 seasonably after FMA serves its Local Rule 26.2 pre-discovery
16 disclosures.

17
18 **REQUEST FOR ADMISSION NO. 4:**

19 Admit that Nanya does not have any affiliates in Guam.

20
21 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 4:**

22 NTC objects to Request for Admission No. 4 as premature. FMA has not served pre-discovery
23 disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a).
24 Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to
25 respond. NTC further objects to Request for Admission No. 4 as seeking irrelevant to any claim or
26 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
27 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
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1 for by Request for Admission No. 4 seasonably after FMA serves its Local Rule 26.2 pre-discovery
2 disclosures.

3 **REQUEST FOR ADMISSION NO. 5:**

4 Admit that Nanya does not have any salespersons in Guam.

5 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 5:**

6
7 NTC objects to Request for Admission No. 5 as premature. FMA has not served pre-discovery
8 disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a).
9 Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to
10 respond. NTC further objects to Request for Admission No. 5 as seeking irrelevant to any claim or
11 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
12 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
13 for by Request for Admission No. 5 seasonably after FMA serves its Local Rule 26.2 pre-discovery
14 disclosures.
15

16 **REQUEST FOR ADMISSION NO. 6:**

17 Admit that Nanya has not advertised any products in the Guam local newspapers or Guam local
18 magazines in the six years before the Complaint was filed in this action.

19 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 6:**

20
21 NTC objects to Request for Admission No. 6 as premature. FMA has not served pre-discovery
22 disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a).
23 Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to
24 respond. NTC further objects to Request for Admission No. 6 as seeking irrelevant to any claim or
25 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
26 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
27 for by Request for Admission No. 6 seasonably after FMA serves its Local Rule 26.2 pre-discovery
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1 disclosures.

2 **REQUEST FOR ADMISSION NO. 7:**

3 Admit that Nanya has not advertised any services in the Guam local newspapers or Guam local
4 magazines in the six years before the Complaint was filed in this action.

5 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 7:**

6 NTC objects to Request for Admission No. 7 as premature. FMA has not served pre-discovery
7 disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a).
8 Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to
9 respond. NTC further objects to Request for Admission No. 7 as seeking irrelevant to any claim or
10 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
11 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
12 for by Request for Admission No. 7 seasonably after FMA serves its Local Rule 26.2 pre-discovery
13 disclosures.

14 **REQUEST FOR ADMISSION NO. 8:**

15 Admit that Nanya does not have real property in Guam.

16 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 8:**

17 NTC objects to Request for Admission No. 8 as premature. FMA has not served pre-discovery
18 disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a).
19 Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to
20 respond. NTC further objects to Request for Admission No. 8 as seeking irrelevant to any claim or
21 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
22 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
23 for by Request for Admission No. 8 seasonably after FMA serves its Local Rule 26.2 pre-discovery
24 disclosures.

1 **REQUEST FOR ADMISSION NO. 9:**

2 Admit that Nanya does not lease any facility in Guam.

3 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 9:**

4 NTC objects to Request for Admission No. 9 as premature. FMA has not served pre-discovery
5 disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a).
6 Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to
7 respond. NTC further objects to Request for Admission No. 9 as seeking irrelevant to any claim or
8 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
9 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
10 for by Request for Admission No. 9 seasonably after FMA serves its Local Rule 26.2 pre-discovery
11 disclosures.
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13

14 **REQUEST FOR ADMISSION NO. 10:**

15 Admit that Nanya does not have a bank account in Guam.

16 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 10:**

17 NTC objects to Request for Admission No. 10 as premature. FMA has not served pre-
18 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
19 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
20 to respond. NTC further objects to Request for Admission No. 10 as seeking irrelevant to any claim or
21 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
22 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
23 for by Request for Admission No. 10 seasonably after FMA serves its Local Rule 26.2 pre-discovery
24 disclosures.
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1 **REQUEST FOR ADMISSION NO. 11:**

2 Admit that Nanya does not maintain a telephone number in Guam.

3 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 11:**

4 NTC objects to Request for Admission No. 11 as premature. FMA has not served pre-
5 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
6 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
7 to respond. NTC further objects to Request for Admission No. 11 as seeking irrelevant to any claim or
8 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
9 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
10 for by Request for Admission No. 11 seasonably after FMA serves its Local Rule 26.2 pre-discovery
11 disclosures.
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14 **REQUEST FOR ADMISSION NO. 12:**

15 Admit that Nanya does not maintain a telefax number in Guam.

16 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 12:**

17 NTC objects to Request for Admission No. 12 as premature. FMA has not served pre-
18 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
19 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
20 to respond. NTC further objects to Request for Admission No. 12 as seeking irrelevant to any claim or
21 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
22 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
23 for by Request for Admission No. 12 seasonably after FMA serves its Local Rule 26.2 pre-discovery
24 disclosures.
25

26 **REQUEST FOR ADMISSION NO. 13:**

27 Admit that Nanya does not have a telex number in Guam.
28

OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 13:

NTC objects to Request for Admission No. 13 as premature. FMA has not served pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to respond. NTC further objects to Request for Admission No. 13 as seeking irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called for by Request for Admission No. 13 seasonably after FMA serves its Local Rule 26.2 pre-discovery disclosures.

REQUEST FOR ADMISSION NO. 14:

Admit that Nanya does not have any directors in Guam.

OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 14:

NTC objects to Request for Admission No. 14 as premature. FMA has not served pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to respond. NTC further objects to Request for Admission No. 14 as seeking irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called for by Request for Admission No. 14 seasonably after FMA serves its Local Rule 26.2 pre-discovery disclosures.

REQUEST FOR ADMISSION NO. 15:

Admit that Nanya does not have any officers in Guam.

OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 15:

NTC objects to Request for Admission No. 15 as premature. FMA has not served pre-

1 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
2 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
3 to respond. NTC further objects to Request for Admission No. 15 as seeking irrelevant to any claim or
4 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
5 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
6 for by Request for Admission No. 15 seasonably after FMA serves its Local Rule 26.2 pre-discovery
7 disclosures.
8

9 **REQUEST FOR ADMISSION NO. 16:**

10 Admit that Nanya does not maintain a post office box in Guam.

11 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 16:**

12 NTC objects to Request for Admission No. 16 as premature. FMA has not served pre-
13 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
14 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
15 to respond. NTC further objects to Request for Admission No. 16 as seeking irrelevant to any claim or
16 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
17 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
18 for by Request for Admission No. 16 seasonably after FMA serves its Local Rule 26.2 pre-discovery
19 disclosures.
20
21

22 **REQUEST FOR ADMISSION NO. 17:**

23 Admit that Nanya does not maintain a street address in Guam.

24 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 17:**

25 NTC objects to Request for Admission No. 17 as premature. FMA has not served pre-
26 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
27 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
28

1 to respond. NTC further objects to Request for Admission No. 17 as seeking irrelevant to any claim or
2 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
3 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
4 for by Request for Admission No. 17 seasonably after FMA serves its Local Rule 26.2 pre-discovery
5 disclosures.
6

7 **REQUEST FOR ADMISSION NO. 18:**

8 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.
9 06-CV-00025 in the District of Guam, Nanya has never been party to a lawsuit or legal proceeding in
10 any Guam Federal District Court.
11

12 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 18:**

13 NTC objects to Request for Admission No. 18 as premature. FMA has not served pre-
14 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
15 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
16 to respond. NTC further objects to Request for Admission No. 18 as seeking irrelevant to any claim or
17 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
18 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
19 for by Request for Admission No. 18 seasonably after FMA serves its Local Rule 26.2 pre-discovery
20 disclosures.
21

22 **REQUEST FOR ADMISSION NO. 19:**

23 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.
24 06-CV-00025 in the District of Guam, Nanya did not have in Guam any documents relevant to the
25 subject matter of this lawsuit.
26

27 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 19:**

28 NTC objects to Request for Admission No. 19 as premature. FMA has not served pre-

1 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
2 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
3 to respond. NTC further objects to Request for Admission No. 19 as seeking irrelevant to any claim or
4 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
5 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
6 for by Request for Admission No. 19 seasonably after FMA serves its Local Rule 26.2 pre-discovery
7 disclosures.
8

9 **REQUEST FOR ADMISSION NO. 20:**

10 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.
11 06-CV-00025 in the District of Guam, Nanya had not appointed an agent in Guam for service of
12 process.
13

14 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 20:**

15 NTC objects to Request for Admission No. 20 as premature. FMA has not served pre-
16 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
17 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
18 to respond. NTC further objects to Request for Admission No. 20 as seeking irrelevant to any claim or
19 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
20 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
21 for by Request for Admission No. 20 seasonably after FMA serves its Local Rule 26.2 pre-discovery
22 disclosures.
23

24 **REQUEST FOR ADMISSION NO. 21:**

25 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.
26 06-CV-00025 in the District of Guam, Nanya had not negotiated any agreements in Guam concerning
27 the subject matter of this action.
28

OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 21:

NTC objects to Request for Admission No. 21 as premature. FMA has not served pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to respond. NTC further objects to Request for Admission No. 21 as seeking irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called for by Request for Admission No. 21 seasonably after FMA serves its Local Rule 26.2 pre-discovery disclosures.

REQUEST FOR ADMISSION NO. 22:

Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No. 06-CV-00025 in the District of Guam, Nanya had not executed any agreements in Guam concerning the subject matter of this action.

OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 22:

NTC objects to Request for Admission No. 22 as premature. FMA has not served pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to respond. NTC further objects to Request for Admission No. 22 as seeking irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called for by Request for Admission No. 22 seasonably after FMA serves its Local Rule 26.2 pre-discovery disclosures.

REQUEST FOR ADMISSION NO. 23:

Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.

06-CV-00025 in the District of Guam, Nanya had not executed any agreements that called for Nanya's performance in Guam concerning the subject matter of this action.

OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 23:

NTC objects to Request for Admission No. 23 as premature. FMA has not served pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to respond. NTC further objects to Request for Admission No. 23 as seeking irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called for by Request for Admission No. 23 seasonably after FMA serves its Local Rule 26.2 pre-discovery disclosures.

REQUEST FOR ADMISSION NO. 24:

Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No. 06-CV-00025 in the District of Guam, Nanya had no correspondence with Fujitsu in Guam.

OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 24:

NTC objects to Request for Admission No. 24 as premature. FMA has not served pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever to respond. NTC further objects to Request for Admission No. 24 as seeking irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called for by Request for Admission No. 24 seasonably after FMA serves its Local Rule 26.2 pre-discovery disclosures.

1 **REQUEST FOR ADMISSION NO. 25:**

2 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.
3 06-CV-00025 in the District of Guam, Nanya had no correspondence with FMA in Guam.

4 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 25:**

5 NTC objects to Request for Admission No. 25 as premature. FMA has not served pre-
6 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
7 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
8 to respond. NTC further objects to Request for Admission No. 25 as seeking irrelevant to any claim or
9 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
10 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
11 for by Request for Admission No. 25 seasonably after FMA serves its Local Rule 26.2 pre-discovery
12 disclosures.
13
14

15 **REQUEST FOR ADMISSION NO. 26:**

16 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.
17 06-CV-00025 in the District of Guam, Nanya had no correspondence with Fujitsu relating to any
18 business in Guam.

19 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 26:**

20 NTC objects to Request for Admission No. 26 as premature. FMA has not served pre-
21 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
22 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
23 to respond. NTC further objects to Request for Admission No. 26 as seeking irrelevant to any claim or
24 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
25 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
26 for by Request for Admission No. 26 seasonably after FMA serves its Local Rule 26.2 pre-discovery
27
28

1 disclosures.

2 **REQUEST FOR ADMISSION NO. 27:**

3 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.
4 06-CV-00025 in the District of Guam, Nanya had no correspondence with FMA relating to any
5 business in Guam.

6 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 27:**

7
8 NTC objects to Request for Admission No. 27 as premature. FMA has not served pre-
9 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
10 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
11 to respond. NTC further objects to Request for Admission No. 27 as seeking irrelevant to any claim or
12 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
13 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
14 for by Request for Admission No. 27 seasonably after FMA serves its Local Rule 26.2 pre-discovery
15 disclosures.

16
17 **REQUEST FOR ADMISSION NO. 28:**

18 Admit that Nanya does not file a tax return in Guam.

19 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 28:**

20
21 NTC objects to Request for Admission No. 28 as premature. FMA has not served pre-
22 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
23 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
24 to respond. NTC further objects to Request for Admission No. 28 as seeking irrelevant to any claim or
25 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
26 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
27 for by Request for Admission No. 28 seasonably after FMA serves its Local Rule 26.2 pre-discovery
28

1 disclosures.

2 **REQUEST FOR ADMISSION NO. 29:**

3 Admit that Nanya does not distribute any products concerning the subject matter of this action
4 in Guam.
5

6 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 29:**

7 NTC objects to Request for Admission No. 29 as premature. FMA has not served pre-
8 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
9 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
10 to respond. NTC further objects to Request for Admission No. 29 as seeking irrelevant to any claim or
11 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
12 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
13 for by Request for Admission No. 29 seasonably after FMA serves its Local Rule 26.2 pre-discovery
14 disclosures.
15

16 **REQUEST FOR ADMISSION NO. 30:**

17 Admit that Nanya Accused Products are offered for sale in the Northern District of California.

18 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 30:**

19 NTC objects to Request for Admission No. 30 as premature. FMA has not served pre-
20 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
21 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
22 to respond. NTC further objects to Request for Admission No. 30 as seeking irrelevant to any claim or
23 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
24 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
25 for by Request for Admission No. 30 seasonably after FMA serves its Local Rule 26.2 pre-discovery
26 disclosures.
27
28

1 **REQUEST FOR ADMISSION NO. 31:**

2 Admit that Nanya Accused Products are sold in the Northern District of California.

3 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 31:**

4 NTC objects to Request for Admission No. 31 as premature. FMA has not served pre-
5 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
6 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
7 to respond. NTC further objects to Request for Admission No. 31 as seeking irrelevant to any claim or
8 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
9 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
10 for by Request for Admission No. 31 seasonably after FMA serves its Local Rule 26.2 pre-discovery
11 disclosures.
12
13

14 **REQUEST FOR ADMISSION NO. 32:**

15 Admit that Nanya Accused Products are imported into the Northern District of California.

16 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 32:**

17 NTC objects to Request for Admission No. 32 as premature. FMA has not served pre-
18 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
19 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
20 to respond. NTC further objects to Request for Admission No. 32 as seeking irrelevant to any claim or
21 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
22 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
23 for by Request for Admission No. 32 seasonably after FMA serves its Local Rule 26.2 pre-discovery
24 disclosures.
25
26
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1 **REQUEST FOR ADMISSION NO. 33:**

2 Admit that Nanya obtains revenue from Nanya Accused Products sold within the Northern
3 District of California.

4 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 33:**

5
6 NTC objects to Request for Admission No. 33 as premature. FMA has not served pre-
7 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
8 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
9 to respond. NTC further objects to Request for Admission No. 33 as seeking irrelevant to any claim or
10 defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the
11 foregoing objections, NTC will supplement and respond to the relevant subject matter, if any, called
12 for by Request for Admission No. 33 seasonably after FMA serves its Local Rule 26.2 pre-discovery
13 disclosures.
14

15 **REQUEST FOR ADMISSION NO. 34:**

16 Admit that the United States District Court for the Northern District of California has personal
17 jurisdiction over Nanya.

18 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 34:**

19
20 NTC objects to Request for Admission No. 34 as premature. FMA has not served pre-
21 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
22 26(a). Because no pre-discovery disclosures have been made, NTC is under no obligation whatsoever
23 to respond. NTC further objects to Request for Admission No. 34 as seeking irrelevant to any claim or
24 defense at issue in this case, including but not limited to jurisdiction and convenience. NTC further
25 objects to Request for Admission No. 34 as not seeking facts, but a legal conclusion for a court to
26 decide. Subject to the foregoing objections, NTC will supplement and respond to the relevant subject
27 matter, if any, called for by Request for Admission No. 34 seasonably after FMA serves its Local Rule
28

1 26.2 pre-discovery disclosures.
2

3 Dated: April 23, 2007

SHORE CHAN BRAGALONE LLP

4
5 By: /s/ Alfonso Garcia Chan
6 ALFONSO GARCIA CHAN, ESQ.
(admitted *pro hac vice*)

7 ATTORNEYS FOR PLAINTIFFS
8 Nanya Technology Corp. and
9 Nanya Technology Corp. U.S.A.
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following counsel of record via electronic mail and confirmatory first class mail on April 23, 2007:

Rodney J. Jacob
Daniel M. Benjamin
Calvo & Clark, LLP
655 South Marine Corps Dr., Suite 202
Tamuning, Guam 96913

Michael M. Murray
Milbank Tweed Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, New York 10005-1413

/s/ Alfonso Garcia Chan
ALFONSO GARCIA CHAN

ATTORNEYS FOR PLAINTIFFS
Nanya Technology Corp. and
Nanya Technology Corp. U.S.A.

JOSEPH C. RAZZANO, ESQ.
TEKER TORRES & TEKER, P.C.
SUITE 2A, 130 ASPINALL AVENUE
HAGÁTÑA, GUAM 96910
TELEPHONE: (671) 477-9891/4
FACSIMILE: (671) 472-2601

JOHN S. UNPINGCO, ESQ.
UNPINGCO & ASSOCIATES, LLC
SUITE 12B, SINAJANA MALL
SINAJANA, GUAM
TELEPHONE: (671) 475-8545
FACSIMILE: (671) 475-8550

MICHAEL W. SHORE
ALFONSO GARCIA CHAN
MARTIN PASCUAL
SHORE CHAN BRAGALONE, LLP
325 NORTH SAINT PAUL STREET, SUITE 4450
DALLAS, TEXAS 75201
TELEPHONE: (214) 593-9110
FACSIMILE: (214) 593-9111

Attorneys for Plaintiffs
Nanya Technology Corp. and
Nanya Technology Corp. U.S.A.

UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

NANYA TECHNOLOGY CORP. and
NANYA TECHNOLOGY CORP. U.S.A.,

Plaintiffs,

v.

FUJITSU LIMITED and FUJITSU
MICROELECTRONICS AMERICA, INC.,

Defendants.

Case No. CV-06-00025

**PLAINTIFF NANYA TECHNOLOGY
CORPORATION U.S.A.'S OBJECTIONS
AND RESPONSES TO FUJITSU
MICROELECTRONICS AMERICA,
INC.'S FIRST SET OF REQUESTS FOR
ADMISSIONS (NOS. 1-34)**

1 Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this Court,
2 Plaintiff Nanya Technology Corp. U.S.A. ("NTC USA") hereby serves the following Responses and
3 Objections to admissions upon Defendant Fujitsu Microelectronics America, Inc. ("FMA"). NTC USA
4 hereby reserves the right to supplement all responses to these admissions in accordance with Federal
5 Rules of Civil Procedure 26(e).
6

7 **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

8 1. NTC USA objects to the definitions of "Nanya USA," "you" and "your" to the extent
9 that they encompass "all predecessor or successor companies or corporations" that are not currently
10 part of NTC USA, to the extent they encompass "present ... investigators, accountants, consultants,
11 attorneys, other representatives, or any other persons acting or purporting to act on behalf of any of
12 them" who are not part of NTC USA, to the extent they encompass "consultants" otherwise protected
13 by the consulting expert privilege, to the extent they encompass "attorneys" otherwise protected by the
14 attorney client and/or work product privileges, and to the extent they encompass "former offices,
15 directors, employees, agents, investigators, accountants, consultants, attorneys, other representatives,
16 or any other persons acting or purporting to act on behalf of any of them" that are not currently part of
17 NTC USA.
18

19 2. NTC USA objects to the definition of "document" to the extent it purports to cover
20 subject matter in excess of Federal Rule of Civil Procedure 34.
21

22 3. NTC USA objects to the definition of "electronically stored information" to the extent it
23 purports to cover subject matter in excess of Federal Rule of Civil Procedure 34.

24 4. NTC USA objects to the definition of "identify" to the extent it calls for a response in
25 excess of the minimum requirements of Federal Rule of Civil Procedure 36.

26 5. NTC USA objects to the Instructions generally to the extent they call for a response in
27 excess of the minimum requirements of Federal Rule of Civil Procedure 36.
28

1 6. NTC USA objects to Instruction No. 7 to the extent it recites privilege log requirements
2 in excess of the requirements called for by this Court, Ninth Circuit precedent, and the Federal Rules
3 of Civil Procedure.

4 7. NTC USA objects to Footnote No. 1 and Defendants' attempted disclaimer that they are
5 not substantively participating in the present lawsuit in Guam.

6
7 **RESPONSES AND OBJECTIONS TO FMA'S ADMISSIONS**

8 Subject to the foregoing objections, NTC USA further objects and responds as follows:

9 **REQUEST FOR ADMISSION NO. 1:**

10 Admit that Nanya USA does not maintain any offices in Guam.

11 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 1:**

12 NTC USA objects to Request for Admission No. 1 as premature. FMA has not served pre-
13 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
14 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation
15 whatsoever to respond. NTC USA further objects to Request for Admission No. 1 as seeking
16 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and
17 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the
18 relevant subject matter, if any, called for by Request for Admission No. 1 seasonably after FMA serves
19 its Local Rule 26.2 pre-discovery disclosures.
20
21

22 **REQUEST FOR ADMISSION NO. 2:**

23 Admit that Nanya USA does not maintain any operations in Guam.

24 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 2:**

25 NTC USA objects to Request for Admission No. 2 as premature. FMA has not served pre-
26 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
27 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation
28

1 whatsoever to respond. NTC USA further objects to Request for Admission No. 2 as seeking
2 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and
3 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the
4 relevant subject matter, if any, called for by Request for Admission No. 2 seasonably after FMA serves
5 its Local Rule 26.2 pre-discovery disclosures.
6

7 **REQUEST FOR ADMISSION NO. 3:**

8 Admit that Nanya USA does not have any employees in Guam.

9 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 3:**

10 NTC USA objects to Request for Admission No. 3 as premature. FMA has not served pre-
11 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
12 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation
13 whatsoever to respond. NTC USA further objects to Request for Admission No. 3 as seeking
14 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and
15 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the
16 relevant subject matter, if any, called for by Request for Admission No. 3 seasonably after FMA serves
17 its Local Rule 26.2 pre-discovery disclosures.
18

19 **REQUEST FOR ADMISSION NO. 4:**

20 Admit that Nanya USA does not have any affiliates in Guam.
21

22 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 4:**

23 NTC USA objects to Request for Admission No. 4 as premature. FMA has not served pre-
24 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
25 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation
26 whatsoever to respond. NTC USA further objects to Request for Admission No. 4 as seeking
27 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and
28

1 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the
2 relevant subject matter, if any, called for by Request for Admission No. 4 seasonably after FMA serves
3 its Local Rule 26.2 pre-discovery disclosures.

4 **REQUEST FOR ADMISSION NO. 5:**

5 Admit that Nanya USA does not have any salespersons in Guam.

6 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 5:**

7 NTC USA objects to Request for Admission No. 5 as premature. FMA has not served pre-
8 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
9 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation
10 whatsoever to respond. NTC USA further objects to Request for Admission No. 5 as seeking
11 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and
12 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the
13 relevant subject matter, if any, called for by Request for Admission No. 5 seasonably after FMA serves
14 its Local Rule 26.2 pre-discovery disclosures.

15 **REQUEST FOR ADMISSION NO. 6:**

16 Admit that Nanya USA has not advertised any products in the Guam local newspapers or Guam
17 local magazines in the six years before the Complaint was filed in this action.

18 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 6:**

19 NTC USA objects to Request for Admission No. 6 as premature. FMA has not served pre-
20 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
21 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation
22 whatsoever to respond. NTC USA further objects to Request for Admission No. 6 as seeking
23 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and
24 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the
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1 relevant subject matter, if any, called for by Request for Admission No. 6 seasonably after FMA serves
2 its Local Rule 26.2 pre-discovery disclosures.

3 **REQUEST FOR ADMISSION NO. 7:**

4 Admit that Nanya USA has not advertised any services in the Guam local newspapers or Guam
5 local magazines in the six years before the Complaint was filed in this action.

6 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 7:**

7 NTC USA objects to Request for Admission No. 7 as premature. FMA has not served pre-
8 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
9 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation
10 whatsoever to respond. NTC USA further objects to Request for Admission No. 7 as seeking
11 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and
12 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the
13 relevant subject matter, if any, called for by Request for Admission No. 7 seasonably after FMA serves
14 its Local Rule 26.2 pre-discovery disclosures.

15 **REQUEST FOR ADMISSION NO. 8:**

16 Admit that Nanya USA does not have real property in Guam.

17 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 8:**

18 NTC USA objects to Request for Admission No. 8 as premature. FMA has not served pre-
19 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
20 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation
21 whatsoever to respond. NTC USA further objects to Request for Admission No. 8 as seeking
22 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and
23 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the
24 relevant subject matter, if any, called for by Request for Admission No. 8 seasonably after FMA serves
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1 its Local Rule 26.2 pre-discovery disclosures.

2 **REQUEST FOR ADMISSION NO. 9:**

3 Admit that Nanya USA does not lease any facility in Guam.

4 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 9:**

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6 NTC USA objects to Request for Admission No. 9 as premature. FMA has not served pre-
7 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
8 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation
9 whatsoever to respond. NTC USA further objects to Request for Admission No. 9 as seeking
10 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and
11 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the
12 relevant subject matter, if any, called for by Request for Admission No. 9 seasonably after FMA serves
13 its Local Rule 26.2 pre-discovery disclosures.
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15 **REQUEST FOR ADMISSION NO. 10:**

16 Admit that Nanya USA does not have a bank account in Guam.

17 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 10:**

18 NTC USA objects to Request for Admission No. 10 as premature. FMA has not served pre-
19 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
20 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation
21 whatsoever to respond. NTC USA further objects to Request for Admission No. 10 as seeking
22 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and
23 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the
24 relevant subject matter, if any, called for by Request for Admission No. 10 seasonably after FMA
25 serves its Local Rule 26.2 pre-discovery disclosures.
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1 **REQUEST FOR ADMISSION NO. 11:**

2 Admit that Nanya USA does not maintain a telephone number in Guam.

3 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 11:**

4 NTC USA objects to Request for Admission No. 11 as premature. FMA has not served pre-
5 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
6 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation
7 whatsoever to respond. NTC USA further objects to Request for Admission No. 11 as seeking
8 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and
9 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the
10 relevant subject matter, if any, called for by Request for Admission No. 11 seasonably after FMA
11 serves its Local Rule 26.2 pre-discovery disclosures.
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14 **REQUEST FOR ADMISSION NO. 12:**

15 Admit that Nanya USA does not maintain a telefax number in Guam.

16 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 12:**

17 NTC USA objects to Request for Admission No. 12 as premature. FMA has not served pre-
18 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
19 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation
20 whatsoever to respond. NTC USA further objects to Request for Admission No. 12 as seeking
21 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and
22 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the
23 relevant subject matter, if any, called for by Request for Admission No. 12 seasonably after FMA
24 serves its Local Rule 26.2 pre-discovery disclosures.
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26 **REQUEST FOR ADMISSION NO. 13:**

27 Admit that Nanya USA does not have a telex number in Guam.
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OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 13:

NTC USA objects to Request for Admission No. 13 as premature. FMA has not served pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation whatsoever to respond. NTC USA further objects to Request for Admission No. 13 as seeking irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the relevant subject matter, if any, called for by Request for Admission No. 13 seasonably after FMA serves its Local Rule 26.2 pre-discovery disclosures.

REQUEST FOR ADMISSION NO. 14:

Admit that Nanya USA does not have any directors in Guam.

OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 14:

NTC USA objects to Request for Admission No. 14 as premature. FMA has not served pre-discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation whatsoever to respond. NTC USA further objects to Request for Admission No. 14 as seeking irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the relevant subject matter, if any, called for by Request for Admission No. 14 seasonably after FMA serves its Local Rule 26.2 pre-discovery disclosures.

REQUEST FOR ADMISSION NO. 15:

Admit that Nanya USA does not have any officers in Guam.

OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 15:

NTC USA objects to Request for Admission No. 15 as premature. FMA has not served pre-

1 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
2 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation
3 whatsoever to respond. NTC USA further objects to Request for Admission No. 15 as seeking
4 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and
5 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the
6 relevant subject matter, if any, called for by Request for Admission No. 15 seasonably after FMA
7 serves its Local Rule 26.2 pre-discovery disclosures.
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9 **REQUEST FOR ADMISSION NO. 16:**

10 Admit that Nanya USA does not maintain a post office box in Guam.

11 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 16:**

12 NTC USA objects to Request for Admission No. 16 as premature. FMA has not served pre-
13 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
14 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation
15 whatsoever to respond. NTC USA further objects to Request for Admission No. 16 as seeking
16 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and
17 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the
18 relevant subject matter, if any, called for by Request for Admission No. 16 seasonably after FMA
19 serves its Local Rule 26.2 pre-discovery disclosures.
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22 **REQUEST FOR ADMISSION NO. 17:**

23 Admit that Nanya USA does not maintain a street address in Guam.

24 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 17:**

25 NTC USA objects to Request for Admission No. 17 as premature. FMA has not served pre-
26 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
27 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation
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1 whatsoever to respond. NTC USA further objects to Request for Admission No. 17 as seeking
2 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and
3 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the
4 relevant subject matter, if any, called for by Request for Admission No. 17 seasonably after FMA
5 serves its Local Rule 26.2 pre-discovery disclosures.
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7 **REQUEST FOR ADMISSION NO. 18:**

8 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.
9 06-CV-00025 in the District of Guam, Nanya USA has never been party to a lawsuit or legal
10 proceeding in any Guam Federal District Court.

11 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 18:**

12 NTC USA objects to Request for Admission No. 18 as premature. FMA has not served pre-
13 discovery disclosures in this case as required by Local Rule 26.2 and Federal Rule of Civil Procedure
14 26(a). Because no pre-discovery disclosures have been made, NTC USA is under no obligation
15 whatsoever to respond. NTC USA further objects to Request for Admission No. 18 as seeking
16 irrelevant to any claim or defense at issue in this case, including but not limited to jurisdiction and
17 convenience. Subject to the foregoing objections, NTC USA will supplement and respond to the
18 relevant subject matter, if any, called for by Request for Admission No. 18 seasonably after FMA
19 serves its Local Rule 26.2 pre-discovery disclosures.
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22 **REQUEST FOR ADMISSION NO. 19:**

23 Admit that prior to engaging Guam counsel to file *Nanya Tech. Corp. v. Fujitsu Limited*, No.
24 06-CV-00025 in the District of Guam, Nanya USA did not have in Guam any documents relevant to
25 the subject matter of this lawsuit.

26 **OBJECTIONS AND RESPONSES TO REQUEST FOR ADMISSION NO. 19:**

27 NTC USA objects to Request for Admission No. 19 as premature. FMA has not served pre-
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